

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.9c Arrest without warrant for misdemeanor or ordinance violation; issuance and service of appearance ticket by police officer or specially authorized public servant; exceptions.

Sec. 9c. (1) Except as provided in subsection (3), if a police officer has arrested a person without a warrant for a misdemeanor or ordinance violation for which the maximum permissible penalty does not exceed 93 days in jail or a fine, or both, instead of taking the person before a magistrate and promptly filing a complaint as provided in section 13 of this chapter, the officer may issue to and serve upon the person an appearance ticket as defined in section 9f of this chapter and release the person from custody.

(2) A public servant other than a police officer, who is specially authorized by law or ordinance to issue and serve appearance tickets with respect to a particular class of offenses of less than felony grade, may issue and serve upon a person an appearance ticket if the public servant has reasonable cause to believe that the person has committed an offense.

(3) An appearance ticket shall not be issued to any of the following:

(a) A person arrested for a violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a local ordinance substantially corresponding to section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, if the victim of the assault is the offender's spouse, former spouse, an individual who has had a child in common with the offender, an individual who has or has had a dating relationship with the offender, or an individual residing or having resided in the same household as the offender. As used in this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) A person subject to detainment for violating a personal protection order.

(c) A person subject to a mandatory period of confinement, condition of bond, or other condition of release until he or she has served that period of confinement or meets that requirement of bond or other condition of release.

History: Add. 1968, Act 147, Eff. Nov. 15, 1968;—Am. 1970, Act 147, Imd. Eff. Sept. 1, 1970;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981;—Am. 1984, Act 366, Eff. Mar. 29, 1985;—Am. 1999, Act 76, Eff. Oct. 1, 1999;—Am. 2001, Act 208, Eff. Apr. 1, 2002.